

Exhibit #17

ATT Judy Keating
would like to speak maybe as the
Second person at meeting
Thanks Vini

August 22, 2001

Secretary of Labor

740-254-4688

Dear Elaine L. Chao,

I am Vina K. Colley, a resident of McDermott, Ohio and former electrician at the Portsmouth/Piketon Gaseous Diffusion Plant, still active on the plant's recall list.

I want to take this opportunity to inform you on developments in my situation and case against the plant. I feel unfortunate events that I have endured are about to occur to many other sick workers entering the compensation program developed by DOD/DOE and our Representatives.

There is great evidence in my case that I have been wronged by the plant's management and cheated out of all the following: my job, my benefits, my pension, and more importantly my health. Secretary O'Leary, while in office, met with me and instructed his staff to take care of my problems/issues, which as of today still remained unresolved. Therefore, I am asking you to pick up where Secretary O'Leary left off. Please order the Portsmouth Gaseous Diffusion plant contractor, the union, and your staff personnel to resolve my case. Show me that this new office really cares about the wrong it has done.

In Sept of 1999, the workers at Piketon and other nuclear sites were told that our government put us in harm's way. It is clear in my records that I have been exposed to radioactive material and toxic chemicals and have gone through many medical testing and treatments, proving my exposure. For compensation, I ask to be reinstated back to June 19, 1987. Justification for this date is included below.

The following is a summary of what I and other workers have all ready experienced with the workers compensation system and unfortunately will be repeated by workers filing new claims. Unless the rules for workers' compensation are changed, workers will not receive help and their claims will be denied and dismissed.

As the health problems resulting from the DOE plants under Oak Ridge Operations become more apparent and known by the public, a in-depth look needs to be taken at the proposal for aiding those whose health has been damaged by these and other DOE operations. This is occurring not only in Ohio, but also in other states as well.

Personally, I am more than \$75,000.00 in debt from fighting a system that is so corrupt. I have been able to aid in breaking every major story about the Portsmouth plant, including the UNDILUTED Plutonium that was shipped to the site.

For background, my own Workers Compensation was awarded for Chemical & Radiation exposure, on March 6, 1983. The award was for Fume/Vapor AC Pulmonary Edema, Fume/Vapor Respiratory Disease, Inhalation Injury whole body, and Depressive Disorder, Neck and face splash with contusion of the eyes from a splash on the face. All these conditions were contracted while working with trichloroethylene, PCB, and other hazardous chemicals.

These hazardous chemicals were contaminated with uranium and other daughter products. In addition, the company was aware of this contamination, while they withheld this information from plant workers.

My documented problems since the exposure have included; three tumors removed from my stomach in 1987, a total hysterectomy, a tumor removed from the back of my head in 1998, Chemical Bronchitis, shortness of breath, thyroid problems, rashes, loss of hair, irritable bowels, allergies, stomach problems, chemical depression, gastro-intestinal upset, memory loss, osteoarthritis, fibromyalgia, No immune system and organic brain syndrome secondary to TCE. I should note that the company gives us all pre-hire physicals, and only hires healthy workers.

It has been a joint effort by the DOE, its contractors, Attorneys Vorys, Sater & Pease in Columbus, Ohio, the Medical staff at the plant, and the Ohio Industrial Bureau Workers Compensation office to cover up the claims. Portsmouth workers are referred to doctors who deny claims, specialize in practices that differ from our symptoms, and who are getting paid without examining us properly. In talking with other workers, this has happened at other sites as well. My personal records have been falsified. Plant representatives told doctors that a one-time splash caused all my problems. They also informed doctors that I had a disease I never even heard of. I have been ordered to take many tests, including X-rays that I even get sick from taking. Ironically, I received no chemical testing from any of the doctors they sent me to. Many times no test where even ran. One common practice was to be sent to doctors the plant representatives knew would turn us down. One example of this is that of Doctor Herbert Grodner in Columbus. Court records reveled that he was paid \$325 for a 15-minute evaluation of worker's claims. I was one of many sent to Dr Grodner and denied. It doesn't take much to realize that if Dr Gordner reviews 100 patients in less than a week, he would make \$32,500. If Dr Gordner, or others referred by the plant's official, approved the worker's claim then a steady stream of quick and easy income would be diverted elsewhere. Also, how can any physician make such an important decision in such a short length of time?

Another example of the apparent covering up of legitimate claims; I was on approved medical leave, which means that my employer paid the difference of what workers comp didn't cover. I was sent to Dr. George Esham, in June of 1987, who was told to check me out but not to run any test because workers comp would not pay for the test. He said my stomach was somewhat fatty, but he could see no reason why I couldn't return to work. From this report, I was taken off workers compensation. As a result of this check up, I was immediately placed on layoff status and I was still sick. Because of his report I lost all of my benefits and seniority. In August of 1987, Dr. Yong D. Song called me at home and stated that due to the enlargement of my stomach since my last ultra sound and due to my chemical involvement from the plant, he felt we should do an emergency surgery. I could have died or even had more problems if I had listen to the doctors that the plant or the state sent me to.

The Industrial Commission ordered worker compensation to refer me to a toxicologist. When I arrived at Dr. Michael Kelly of Columbus, Ohio (a toxicologist), he was told to check me for depression. That obviously is not his area of expertise. However, he did think I was depressed. Dr. Greer, of the Industrial Commission, said that I had a pre-existing depression problem. He developed this position with one-time, twenty-minute office visit. My personal doctor, Dr. Jack Border wrote to the Bureau of Workers' Compensation and stated: "Vina has been seen in my

office and treated for Posttraumatic Stress Disorder and adjustment disorder with depression." Dr. Border had previously written several letters regarding this topic to worker's compensation. He also stated that after careful review of my chart he could see that my psychiatric problems began after the date of my reported toxic exposure. Dr. Border is still my personal doctor.

Just last month, the worker compensation stop paying for my medication, except for two prescriptions. In addition, they continue to give no credibility to my personal doctor's finding. Keep in mind that my personal physician did perform several batteries of tests and did arrive at their own diagnosis. My doctors and some of my medicine are still being paid my workers compensation.

In 1995, in a hearing by the Industrial Commission, I was called by the hearing officers a "leader of a citizen anti- nuclear energy group and was proven to show great leadership." However, the Industrial Commission Hearing Officers still did not seem to care that my physical health was deteriorating due to my exposure.

On May 31, 1989, an arbitration hearing for two other ladies and myself was held at the Piketon plant. Dr. Dean, from the Piketon's plant stated "Mrs. Colley's case presents the classic case of an individual who should never work at all in an industrial plant. Unlike most people, Mrs. Colley has an extreme hypersensitivity to smoke, dust, chemical fumes and orders of all kind." Dr. Dean's opinion is that my condition is of permanent nature. If this is the case, then why did they take me off worker's compensation in 1987? I believe that the company and Dr. Easham committed fraud to the Bureau of Workers Compensation by stating that I was able to return to work in 1987. Once I was denied worker's compensation, I signed up for Social Security and total disability, which I received. My question to you is this; How could this facility get by with saying in arbitration that I was unable to work, but yet in a Worker's Compensation hearing, they stated that I was able to work. They are contradicting themselves by not paying my claim, and yet are still preventing me from returning to work.

Another example of a worker being sent to the wrong specialist is that of Mr. Owen Thompson. He was sent to a plastic surgeon to be evaluated for a brain tumor. Owen is now dead.

In the case of late Mr. Vern Web, his wife received \$500 dollars, after his death, from Workers Compensation. She was unable to prove that he had died from chemical exposure. Years later, I discovered documentation stating that Vern had over 3,000 counts of contamination on his body. Also stated in the paper was his account of being told by plant personnel to go back to work or go home.

These are but a few of the examples of the failure of the workers' compensation system and this system varies greatly from state to state. Whatever program is initiated, it must protect any social security and retirement benefits we have spent our entire working careers to accumulate. These benefits must not be taken from us.

Lastly, there are DOE records, which document Beryllium at Piketon, yet no present or former workers have been tested for Beryllium sensitivity. Every DOE site, which has used Beryllium, and done specific testing, has found disease and sensitization. Plutonium, Neptunium, Fluorides, Nickel and many other dangerous chemicals are also issues to be dealt with by your office. All

of these materials have a long latency period between exposure and health problems. This is situation not usually dealt with by state Workers' Compensation system more used to dealing with injuries, and recovery, not continuing deterioration of health. A national system, drawing on the experience of all sites, and input from the affected workers would seem to be a more workable solution.

We have been informed by a worker's compensation that if the current laws are not changed workers' and widow's claims will continue to be denied. My question to you is the Department of Labor going to ensure the workers have a fair system in place to process their claims? Otherwise, as I stated, the claims will be denied due to lack of chemical exposure proof on the workers behalf.

I look forward to working together with you in resolving these important issues. Worker's lives have been severely impacted from exposure received while working at Piketon and other DOE facilities. At a minimum, they should be properly compensated.

Sincerely,

Vina K. Colley
Vina K. Colley

cc. President George Bush
cc. Martin Marietta
cc. Secretary of Energy Spencer Abraham
cc. Department of Justice
cc. Congressman Ted Strickland
cc. Senator George Voinovich
cc. Senator Michael DeWine
cc. PACE union
cc. Senator Thompson
cc. Media Nancy Zuckerbrod
cc. Alliance for Nuclear Accountability
cc. Downwinders list
cc. Military Toxic Project
cc. Che-List
cc. Workers Compensation
cc. Robert Muehlen

Vina Colley
3706 McDermott Road
McDermott, OH 45652

*Attachment to
Exhibit #17*

October 28, 1999

To: Dr. David Michaels
Assistant Secretary of Energy, Environmental Safety and Health
Department of Energy
Washington D.C.

From: Michael H. Tullon
1314 North Snapper Lane
Fernandina Beach, FL 32034
Phone: 904 261 2752 FAX: 904 277 1927

Mr. Michaels:

This correspondence concerns the meeting scheduled for October 30, 1999 in Piketon, Ohio concerning injured and contaminated workers of the Piketon Uranium Enrichment facility and their relationship with the Ohio Bureau of Workman's Compensation. I was a ten year employee at Piketon and was contaminated, hospitalized, and have had over ten polyp tumors removed as a result of my employment under the contractorship of Goodyear Atomic and Martin Marietta Energy Systems. The following is an accurate account of my ordeal with the Ohio Bureau of Workman's Compensation.

In 1985 I was developing medical problems due to exposure to Uranium Hexafluoride (UF₆), from countless releases in the course of my employment. My job title was Uranium Materials Handler and though my job description required me to be in every building on plantsite, most of the time I worked in the X-344 building. Records will show that this area was one of the most contaminated buildings on plantsite and workers in my department had the highest radiation exposure on plantsite. This was confirmed by film badge records and as you are aware, this was the crudest form of measuring radiation exposure. Whatever those records indicate, the fact is, that employees received much more radiation than what the film badges measured. I was member of the emergency response team which was involved with the release on March 7, 1978 where 22,000 pounds of UF₆ was released into the atmosphere. I have included an account of that release. What is most interesting are the medical records of the personnel involved in that release.

After being in releases on a daily basis in 1985, I went to the Greater Cincinnati Occupational Health Center for treatment. I was experiencing a variety of symptoms and was worried about my health. I am alive now because of that decision to seek treatment. I was hospitalized and after a number of tests, it was discovered that I had overexposure to radioactive materials. The Department of Energy knew exactly what I was exposed to, but kept quiet for political reasons. They had knowledge to information that could have resulted in death but they chose to keep quiet. The decision not to reveal the nature of the materials we were working with was most disgraceful. There is no doubt workers have suffered because of this decision, and some have paid the highest price while their families have had to endure both hardship and heartbreak.

After hospitalization Dr. Egilman requested I see a Ear, Nose, and Throat specialist. This was about the same time that Dr. Egilman complained about my working environment and the shipping and receiving building was shut down for a week for decontamination. I contacted Dr. George White whereupon examination I was hospitalized again for lung complications. I was in for about a week receiving I. V.'s. In 1985 I filed a Worker's Comp. Claim for UF6 contamination. This decision would cost me my job as testified to by worker's claim rep., Kenneth Louderback.

When I arrived at the first step hearing with Mr. Louderback I discovered that the contractor, Goodyear Atomic, had hired one of the best law firms in the state of Ohio in an attempt to deny my claim. Mr. Robert Tait was lead counsel and our paths would cross many times in the next few years. What was amazing was the fact that the attorneys were being paid by taxpayer dollars. I had an electrician who was a part time claims rep. and the company had F. Lee Bally. But Mr. Louderback was honest and I trusted him. One can already see the aggressiveness by the contractor to deny contamination claims because they knew they were operating the facility out of compliance with D.O.E. standards. That is why they were fined millions after I blew the whistle.

What really surprised me was the attitude of the people representing the Ohio Bureau of Workman's Compensation. They worked hand in hand with contractor to deny my claim even though the medical evidence clearly supported my claim. Each time I went to the doctor every medical bill was denied. After exhausting all remedies with the Ohio Bureau, I filed legal action and was represented by the firm of Stuart Jaffey in Columbus, Ohio. It was now 1989, four years since I had been fired three times in 1985. I was sick, the medical bills were accumulating, and doctors had already removed a number of tumors from my nose, throat, and colon.

We made it to court in 1989. I was there for was the opportunity to participate in the Ohio Workman's Compensation program. Although Mr. Tait put on an excellent defense for the contractor, the medical evidence was there and the jury ruled in my favor. Judge Gordon Bevens was the presiding Judge and gave a whole new meaning to the word biased. Not only in my case but with other employee's cases as well. After the jury's decision Judge Bevens made the jury pick what body parts would be covered. My attorney, Renny Tyson was amazed. Anyone, including Judge Bevens, knew from the medical evidence the claim should have been whole body. [In this case and in my intentional tort case that was to follow, Judge Bevens dismissed all of my case until the Ohio Supreme Court ordered him to hear the case.]

I was diagnosed with irritable bowel syndrome. I was hospitalized for lung complications but was denied that particular body part by Judge Bevens. To this date I suffer with extreme stomach pain, the inability to form a stool, a condition which does not allow me to eat certain foods, and acute arthritis. To be honest, I feel poorly most of the time and this has impeded my ability to work at times.

I was denied an occupational disease claim. Why? My attorneys still do not know. I have had eleven tumors removed, lung complications with home oxygen, an angiogram for heart problems, hair loss, and the stress of these medical procedures along with fighting the D.O.E., the contractor, the attorneys, and the judge gives new meaning

to the term anxiety disorder, for myself and my wife.

Each time my attorney would file a claim with the Ohio Bureau of Workman's Compensation, the Bureau would send me to one of "their" doctors hoping for a medical diagnosis that would benefit their position. Each time this would slow payment or impede my opportunity for compensation. Compensation that I deserved for being injured on the job. But with the Bureau it was always a political situation instead of a medical one. They wear you down hoping that you'll give up, that you will tire from going from doctor to doctor, that the mental anguish of unpaid medical bills will finally take their toll, and that you will forfeit your rights and surrender your claim. This situation is not only true in my case but in other employee cases as well.

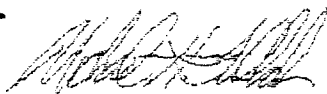
In 1993 my attorney Stuart Jaffey filed for a permanent partial award. I believe that is the correct term. After all the medical problems I have had to endure, the hospitalizations, the surgeries, the colonoscopies, and the years of mental anguish, I received a 5% disability award resulting in a \$3,000 award. I feel that the Bureau still harbors resentment due to the fact that they lost in court in 1989.

Recently I discovered through the Industrial Commission of Ohio that there was a temporary total award resulting in 67 weeks totalling \$24,021.42. The claims rep at Columbus, Ohio stated that this was my money and that it should already have been paid. The Portsmouth Bureau said that this was a mistake, that the dates were time that I was employed. I wasn't employed all that time, I was in the hospital. I believe that this award stemmed from the court case in 1989. The dates listed on the enclosed computer printout may not be the dates the court actually awarded. I was out of work for over a year after I left the plant due to medical reasons. This award could easily have been for dates after I left the plant. It is contingent on the person who entered the dates and his or her motivation at the time. You can bet if there was a mistake, it will be in favor of the Bureau.

In the last several months I have contacted over 15 physicians and the Mayo Clinic and have been denied treatment due to the fact that it is a worker's comp. claim. This in itself gives credence to the fact that in Ohio, as in most states, a worker is penalized for being hurt on the job.

Hopefully, your intervention into this matter can right some of the past wrongs the Department of Energy, its contractors, and the Ohio Bureau of Workman's Compensation are responsible for.

Do not be disappointed when you encounter an attitude of skepticism and mistrust on the part of the employees. You must understand that they have been lied to before.



Michael H. Tullch